

REMARKS

Regarding the Office Action:

In the Office Action, the Examiner:

rejected claims 1-5, 11-14, and 22 under 35 U.S.C.
§ 102(e) as being anticipated by U.S. Patent No.
6,396,772 to Yabe et al. ("Yabe");

rejected claims 1-4, 11-13, and 20 under 35 U.S.C.
§ 102(b) as being anticipated by Japanese application
63-21891 to Rhythm Watch Co. ("Rhythm Watch");

rejected claims 1, 2, 12, and 13 under 35 U.S.C.
§ 102(b) as being anticipated by U.S. Patent No.
4,785,435 to Inoue ("Inoue"); and

objected to claims 6-10 and 14-19 as being
dependent from a rejected claim, but were stated to
be otherwise allowable.

Applicants traverse the rejections and objections, for the following
reasons¹.

Rejection of Claims under 35 U.S.C. §102:

In order to properly establish anticipation under 35 U.S.C. § 102, the
Federal Circuit has held that "[a] claim is anticipated only if each and every
element as set forth in the claim is found, either expressly or inherently
described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of
Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Furthermore, "[t]he identical invention
must be shown in as complete detail as is contained in the . . . claim."

¹ The Office Action may contain statements characterizing the related art, case
law, and claims. Regardless of whether any such statements are specifically
identified herein, Applicants decline to automatically subscribe to any statements
in the Office Action.

Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236 (Fed. Cir. 1989). See also M.P.E.P. § 2131.

Rejection of Claims 1-5, 11-14, and 20 under 35 U.S.C. § 102(e) as being anticipated by Yabe:

Applicants traverse the rejection of claims 1-5, 11-14 and 20 under 35 U.S.C. § 102(e) as being anticipated by Yabe.

Yabe does not disclose each and every element of the amended claims. For example, Yabe does not disclose at a “power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state of the timepiece,” as recited in amended claim 1. The Office asserts that circuit 92 of Yabe corresponds to the claimed “power source input detecting circuit.” However, this is not correct.

Circuit 92 of Yabe simply detects a charging voltage VC of a large-capacity secondary power supply 48. Yabe does not disclose that its circuit 92 “. . . detect[s] an input of a newly inserted second power source . . .” (emphasis added). Yabe also makes no disclosure that its circuit 92 “. . . detect[s] an input of a newly inserted second power source during a halted state of the timepiece” (emphasis added), as recited in claim 1. Accordingly, circuit 92 of Yabe cannot constitute the claimed “the power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state of the timepiece,” as recited in claim 1.

Yabe also does not disclose “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the

clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1. (emphasis added). The Examiner alleges that control circuit 93 of Yabe corresponds to the “control circuit.” However, this is not correct.

The amended claims recite that a “power source input detecting circuit detect[s] an input of a newly inserted second power source during a halted state of the timepiece.” There is no teaching in Yabe that its circuit 93 controls a switch circuit when the “power source input detecting circuit detect[s] an input of a newly inserted second power source during a halted state of the timepiece.” (emphasis added). Therefore, circuit 93 of Yabe cannot constitute “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1.

For at least these reasons, Yabe does not disclose each and every element recited in claim 1 as is required to uphold a rejection under 35 U.S.C. § 102(e). Yabe thus does not anticipate claim 1. Claims 2-5, 11-14, and 20 depend directly or indirectly from claim 1, incorporate the limitations of the base claim, and are thus not anticipated for at least the reasons described above.

Rejection of Claims 1-4, 11-13, and 20 under 35 U.S.C. § 102(b) as being anticipated by Rhythm Watch:

Applicants traverse the rejection of claims 1-4, 11-13 and 20 under 35 U.S.C. § 102(b) as being anticipated by Rhythm Watch. Attached is a copy of Fig. 1 from Rhythm Watch, with English annotations added by Applicants.

Rhythm Watch does not disclose each and every element of the rejected claims. For example, Applicants advise that Rhythm Watch does not disclose a “power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state of the timepiece,” as recited in claim 1. The Office asserts that Rhythm Watch’s disclosure of a circuit 32 corresponds to the “power source input detecting circuit” recited in claim 1. However, this is incorrect.

As an initial matter, the Office has incorrectly identified the components disclosed in Rhythm Watch. The Office states that block 24 of Fig. 1 of Rhythm Watch represents a first power source and a second power source, but Applicants advise that block 24 actually represents a timepiece. Further, the circuit 32 of Rhythm Watch simply stabilizes the voltage of a primary battery. There is no teaching in Rhythm Watch that its circuit 32 “detect[s] an input of a newly inserted second power source” (emphasis added), nor that its circuit 32 “detect[s] an input of a newly inserted second power source during a halted state of the timepiece” (emphasis added), as recited in claim 1. Accordingly, circuit 32 of Rhythm Watch cannot constitute the claimed “the power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state of the timepiece,” as recited in claim 1.

Applicants advise that Rhythm Watch also does not disclose “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1 (emphasis added). The Examiner alleges that circuit 20 of Rhythm Watch corresponds to the claimed “control circuit.” However, this is not correct.

There is no teaching in Rhythm Watch that its circuit 20 controls a switch circuit when the “power source input detecting circuit detect[s] an input of a newly inserted second power source during a halted state of the timepiece.” (emphasis added). Therefore, circuit 20 of Rhythm Watch cannot constitute “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1.

For at least these reasons, Rhythm Watch does not disclose each and every element recited in claim 1 as is required to uphold a rejection under 35 U.S.C. § 102(b). Rhythm Watch thus does not anticipate claim 1. Claims 2-4, 11-13, and 20 depend directly or indirectly from claim 1, incorporate the limitations of the base claim, and are thus not anticipated for at least the reasons described above.

Rejection of Claims 1, 2, 12, 13, and 20 under 35 U.S.C. § 102(b) as being anticipated by Inoue:

Applicants traverse the rejection of claims 1, 2, 12, 13, and 20 under 35 U.S.C. § 102(b) as being anticipated by Inoue.

Inoue does not disclose each and every element of the rejected claims. For example, Inoue does not disclose at least a “power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state,” as recited in amended claim 1. The Office asserts that circuit 4 of Inoue corresponds to the claimed “power source input detecting circuit.”

However, this is not correct.

Inoue has no teaching of “a power source input detecting circuit for detecting an input of a newly inserted second power source” (emphasis added). Inoue’s circuit 4 also does not “detect[] an input of a newly inserted second power source during a halted state of the timepiece.” (emphasis added). Inoue specifically states that when $V_{C1} < V_{OP2}$ and $V_{C2} < V_{OP2}$, the device is in state (A) and circuit 4 of Inoue detects voltage V_{C2} . In the event that $V_{C1} < V_{STP}$, Inoue also makes clear that it is still in state (A), and thus circuit 4 of Inoue is detecting voltage V_{C2} . Therefore when $V_{C1} < V_{STP}$ and thereafter $V_{C2} < V_{STP}$, the device will remain in state (A) where circuit 4 of Inoue detects voltage V_{C2} . Circuit 4 of Inoue then would be detecting voltage V_{C2} and would not detect “an input of a newly inserted second power source during a halted state of the timepiece.” Therefore, circuit 4 of Inoue cannot constitute a “power source input detecting circuit for detecting an input of a newly inserted second power source during a halted state,” as recited in claim 1.

Inoue also does not disclose “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1 (emphasis added). The Examiner asserts that circuit 6 of Inoue corresponds to the “control circuit.” However, this is not correct.

Inoue provides no teaching that its circuit 6 controls the switch circuit when the power source input detecting circuit “detect[s] an input of a newly inserted second power source during a halted state of the timepiece.” Indeed, as discussed above, Inoue’s circuit 4 does not detect a “detect[] an input of a newly inserted second power source during a halted state of the timepiece.” Therefore, circuit 6 of Inoue cannot constitute “a control circuit for controlling the switch circuit to connect the first power source and the second power source so that the first power source is charged by the second power source, thereby operating the clock circuit, when the power source input detecting circuit detects an input of the second power source,” as recited in claim 1.

For at least these reasons, Inoue does not disclose each and every element recited in claim 1 as is required to uphold a rejection under 35 U.S.C. § 102(b). Inoue thus does not anticipate claim 1. Claims 2, 12, 13, and 20 depend directly or indirectly from claim 1, incorporate the limitations of the base claim, and are thus not anticipated for at least the reasons described above.

Conclusion

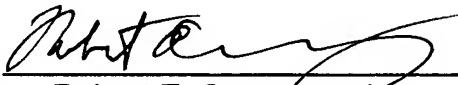
Applicants thus respectfully submit that all claims are not anticipated for at least the reasons described above and are allowable for failure of the art to disclose each and every limitation of the rejected claims. Favorable reconsideration of the application is requested, including issuance of a timely Notice of Allowance.

If there are any fees due in connection with the filing of this Response which are not covered by the concurrently submitted transmittal document, please charge any necessary fees to Deposit Account No. 06-0916.

Respectfully Submitted

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